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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,107	10/29/2003	Peter Westermann	NOR-1157	6601

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EXAMINER
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LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/696,107

Applicant(s)

Westermann

Examiner

LAMB

Group Art Unit

1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 3/24/2004 and 2/09/2004.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-4, 6 and 8-12 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-3, 6 and 8-9 is/are rejected.
- ☒ Claim(s) 4 and 10-12 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 3/24/2004 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1734

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/02667 (Wagner et al).

Wagner et al teaches the design of an apparatus which is comprised of a first slot nozzle capable of receiving fluid from a fluid source having a first slot nozzle outlet having a width extending transversely to the direction of movement of the substrate; and a first movable seal member for adjusting the width of the nozzle outlet transverse to the principal direction of movement, which includes elements 4-8 (also see column 4 lines 9-19).

Claims 1 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Bernert 6,053,978.

Bernert teaches the design of an apparatus as shown in Figure 1A which is comprised of a first slot nozzle, capable of receiving fluid from a fluid source, having a first slot nozzle outlet having a width extending transversely to the direction of movement of the substrate; and a first movable seal member for adjusting the width of the nozzle outlet transverse to the principal direction of movement which includes elements 16 and 18. With respect to claim 8, Bernert shows that the first movable seal member projects out of the plane in a direction toward the substrate to be coated.

Claims 2, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/02667 (Wagner et al) in combination with Innes et al 5,846,599.

Wagner et al is applied for the reasons noted above. Wagner et al fails to teach a second slot nozzle. However, it would have been obvious to modify the Wagner et al apparatus by arranging a second nozzle, identical to that of Wagner et al first nozzle as shown Figure 7, on the oppositely facing side of the substrate since it is known in the art to do so as taught by Innes for the obvious advantage of enabling one to simultaneously coat both sides of the substrate. Thus claims 2-3 is obvious over the above-cited references. With respect to claim 6, Innes et al shows that the applicator nozzle is mounted for movement toward and away from the substrate as indicated by arrows. Therefore, it would have been obvious given the modifications of the Wagner apparatus as discussed above to movably mount the Wagner et al first and second Nozzle so as to adjust the gap between the first and second Nozzle and thereby the distance of each of the nozzles relative to the substrate since Innes et al in Figure 2 teaches mounting the opposing nozzles, element 12 or 12', disclosed by being identical, which are

capable of movement so as to adjust the above cited gap for the obvious advantage of greater control of the coating process.

Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Miles et al.

Miles et al teaches the design of a coating apparatus which is comprised of a first slot nozzle and a first movable seal member to adjust the width of the first nozzle outlet traverse to the principal direction of movement of the substrate. Miles teaches every element of the apparatus as set forth in claim 1. With respect to claim 9, the examiner in view of the specification at page 8 line 10 to page 9 line 6 has interpreted that the piston and sealing body as elements of the first movable seal member which adjusts the width of the nozzle outlet. Miles et al teaches his die includes a fluid passageway or manifold 12 and first movable seal member which includes a sealing piston 32 to seal the manifold and sealing body 20 which extends within the plane of the first slot nozzle outlet to adjust the width of the first slot nozzle outlet transverse to principal direction of movement of the substrate.

Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Paul et al.

Paul et al teaches a nozzle including a first nozzle width and a first movable seal member for adjusting the width of the first slot nozzle outlet. Paul et al nozzle is capable of being positioned in a manner set forth in claim 1 and 9 such that movement of the seal member adjust the nozzle outlet. Paul et al shows that the seal member extends beyond the plane of the nozzle outlet.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the piston and sealing body must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9 is confusing since it claims the piston and sealing body as separate elements from the first movable seal members yet from the specification at page 8 line 10 to page 9 line 6 indicates the above cited elements are part of the movable member.


Claims 4 and 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday thru Tuesday and Thursday thru Friday with alternate Wednesdays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lamb/LR

  
**BRENDA A. LAMB**  
**PRIMARY EXAMINER**